

# Exhibit D

**Second Supplement to  
Report on Identification Number Requirements for Mail Balloting under SB 1**

*United States v. Texas*

**United States District Court for the Western District of Texas**

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**February 3, 2023**

## **I. Abstract**

1. This report contains three analyses. First, using new data supplied to me in January 2023, I calculate the number of registered voters in Texas whose registration records indicate that they could have a mail ballot application or carrier envelope rejected on account of identification verification requirements imposed by Senate Bill 1 (“SB 1”). My analysis shows similar results as in two prior expert reports that I have filed in this case. I find that 1 in 7 Texans can accurately and completely fill out a mail ballot application and the application could still be rejected on account of SB 1’s verification procedures.
2. Second, I conduct an analysis of rejected mail ballots during the first federal election held since the passage of SB 1, the November 2022 election. Among other findings, I show that the overwhelming majority (more than 80%) of rejected mail ballots were rejected on account of SB 1 identification rules.
3. Third, I analyze the behavior in the November election of individuals who I have flagged as having records that could lead to mail ballot rejections. Those deemed at risk have a significantly lower rate of successfully voting by mail than the general population.

## **II. Replication of Previous Analyses and Meta-Analysis**

4. In a February 28, 2022 report (“Initial Report”), I described a methodology for evaluating the number of Texans who were particularly vulnerable to having a mail ballot application rejected on account of identification verification rules in SB 1. For several reasons, a registered voter could fill out a mail ballot application (or mail ballot carrier envelope) correctly but the materials would be rejected by election officials:

- a. Many Texans have multiple identification numbers because they have multiple Department of Public Safety IDs (“DPS IDs”). But Texas only stores up to one DPS ID Number on its list of registered voters (the Texas Election Administration System, or “TEAM”). If a registrant lists a correct DPS ID number on mail ballot materials but not the number that happens to be listed in TEAM, the voter’s mail ballot or mail ballot application will be rejected.
  - b. Some Texans are listed on TEAM without a DPS ID Number. Many of these individuals do in fact have DPS IDs. They are instructed by the language in the mail ballot application and on the carrier envelope to list only their DPS ID when filling out mail ballot forms. However, because their DPS ID Number is absent from TEAM, their materials will be rejected.
  - c. Administrative records are not perfect. Tens of thousands of Texans are listed on TEAM with typos in their Social Security numbers (“SSN”) and/or their DPS ID numbers. When a registered voter fills out a mail ballot application (or ballot carrier envelope) correctly, the material will be rejected on account of these administrative typos.
5. In my Initial Report, I established a methodology for linking TEAM records to DPS records in order to count the number of individuals who might have their materials rejected. In addition to explaining the methodology, I was able to test the validity of the methodology. I reported that 1 in 7 registered voters in Texas could have their mail ballot materials rejected on account of SB 1 even if they followed instructions correctly. I concluded that “Texas’s databases are simply not well-suited to SB 1’s demands” (Paragraph 114). On account of incomplete records as well as typos and other

inconsistencies across state databases, the law can prevent citizens from voting. I conducted subgroup analyses to show that the affected population includes many senior citizens, Texans living overseas, disabled veterans and homebound citizens, all of whom rely on mail voting more than the general population.

6. In a May 4, 2022 supplemental report (“First Supplemental Report”), in addition to some new analyses, I replicated the analysis described above with updated DPS and TEAM records. Whereas DPS and TEAM data in the Initial Report were produced in January 2022, data in the First Supplemental Report were produced by the State in March and April 2022. The results were substantively the same.
7. In January of 2023, I received yet another update to DPS and TEAM records. The DPS records were drawn in December of 2022, and the TEAM records were compiled in early January 2023.
8. In Appendix A to this report, I describe the details of this additional replication with the new data from December 2022/January 2023. In Table A, here, I provide the top-line summary statistics from that analysis and place the results in context, alongside results from the Initial Report and First Supplemental Report.

**TABLE A: Summary of Results from Three Analyses of DPS and TEAM Records**

	<b>Initial Report</b>	<b>First Suppl. Report</b>	<b>Second Suppl. Report</b>
	<b>February 2022</b>	<b>May 2022</b>	<b>January 2023</b>
No DPS ID in TEAM; Possesses DPS ID	276,405	209,137	189,095
One DPS ID in TEAM; Possesses Multiple DPS IDs	2,213,676	2,392,733	2,394,435
Typo/Inconsistent SSN4 in DPS vs TEAM	44,444	44,915	44,353
Typo/Inconsistent DPS ID in DPS vs TEAM	68,190	74,897	62,461
<b>Total Issues</b>	<b>2,602,715</b>	<b>2,721,682</b>	<b>2,690,344</b>
<b>Total TEAM Records</b>	<b>17,026,054</b>	<b>17,330,189</b>	<b>17,451,752</b>
<b>Issues/Total (Percent)</b>	<b>15.3%</b>	<b>15.7%</b>	<b>15.4%</b>

9. As the first line of data in Table A shows, the results indicate a decline in the number of individuals who are listed in TEAM without a DPS ID Number but who do in fact possess a DPS ID Number. The number went from 276,000 when I first ran the analysis a year ago to 209,000 a few months later, to 189,000 in the current analysis.
10. During the same period, the number of Texas registered voters who are listed in DPS with more than one DPS ID number has increased from 2,214,000 to 2,393,000 to 2,394,000. As noted in the Initial Report, according to SB 1, a voter may use a current or expired ID in filling out mail ballot materials, but TEAM only stores zero or one ID number per registered voter.
11. The number of typos or other data errors in the storage of Social Security numbers (specifically in the last four digits of the Social Security numbers (“SSN4”)) is nearly exactly the same across the three analyses. The number of typos or errors in DPS ID numbers went from 68,000 to 75,000 and then down to 62,000. The last rows of Table A summarize the total number of issues and divides these by the total number of TEAM

records. The analysis was performed three times over the course of twelve months with three different snapshots of Texas administrative data. The results are consistent, with 15-16% of records affected by issues that might lead to ballot materials being rejected on account of SB 1 requirements, even with voters dutifully following mail ballot instructions.

### **III. Analysis of November 2022 Federal Election**

12. In this section, I analyze mail ballot data from the November 2022 federal election. First, I measure the consistency between statistics reported by Texas and the January 3, 2023 data transmitted to me regarding participation in the November election. Then, I report three key findings.

- a. I estimate that the initial mail ballot rejection rate in Texas at 4.1%. This is higher than the final rejection rate of 2.7% that Texas has reported.
- b. I estimate that over 80% of rejected mail ballots are rejected on SB 1 grounds. I count 5 Federal Post Card Application (“FPCA”) voters—military and overseas voters—whose ballots were rejected on SB 1 grounds.
- c. I estimate that more than 50% of individuals who are flagged for having a mail ballot rejected due to SB 1 did not end up voting in the November election, either by mail or in person.

13. According to the website of the Texas Secretary of State, in the November 2022 election, 7,775,713 votes were cast in person and 359,526 ballots were cast by mail.<sup>1 2</sup> The count of 359,526 mail ballots submitted is higher than 345,697, which is the count provided by state officials to the media.<sup>3</sup> It is also higher than 345,679, which is the count disclosed by Texas in court documentation in January 2023.<sup>4</sup>
14. In the January 2023 TEAM database I received, there are 8,178,445 voter history records associated with the November 8, 2022 election. However, about 70,000 of these records are instances of registrants who are listed on more than one line of the TEAM database, for instance a line representing that they requested a mail ballot but another line representing that they actually voted in person.
15. In order to gauge turnout as it is represented in the TEAM records, I retain only the most recent voter history record for each registrant, by selecting the date listed as most recently

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<sup>1</sup> See “November 08, 2022 GENERAL ELECTION Cumulative Totals Thru Close of Business November 08, 2022” <https://earlyvoting.texas-election.com/Elections/getElectionEVDates.do>. The counts as reported by Texas here are dynamic and are regularly updated. The counts listed reflect numbers as of January 30, 2022. The mail ballots in this tabulation come from county numbers and appear to reflect ballots submitted rather than ballots officially counted. This is evidenced by the fact that the state website records ballots submitted as early as October 2, 2022, a date prior to when signature verification committees began to meet and review mail ballots. For information on the timeline for reviewing ballots, see: “Early Voting Ballot Board & Signature Verification Committee, Handbook for Election Judges and Clerks 2022,” Texas Secretary of State Elections Division. See Page 9: “A [signature verification] committee may not begin operating before the 20<sup>th</sup> day before election day.” <https://www.sos.state.tx.us/elections/forms/ballot-board-handbook.pdf>.

<sup>2</sup> Note that there is more than one way to tabulate voter turnout. For instance, elsewhere on its website, the Texas Secretary of State’s office refers to ballots counted in the gubernatorial election (the highest office on the ballot in 2022) as its voter turnout. See Texas Secretary of State, “Turnout and Voter Registration Figures (1970-current),” <https://www.sos.texas.gov/elections/historical/70-92.shtml>. For matching turnout statistic in gubernatorial election, see Texas Secretary of State, “Official Canvass Report,” Page 8, <https://results.texas-election.com/static/data/Reports/47009/OfficialCanvassReport.pdf?v=1673559121148>.

<sup>3</sup> Ashley Lopez, “Despite Mail Voting Changes, Ballot Rejections Remain Relatively Low in 2022 Midterms,” NPR, January 13, 2023.

<sup>4</sup> See “State Defendants’ Supplemental Objections and Responses to the United States’ Second Set of Interrogatories,” Page 13, *United States v. Texas*, January 19, 2023.



updated. After this procedure, all in-person ballots cast (election day ballots and early ballots, including provisional ballots) yield a tally of 7,775,194. This number is nearly identical to the count of 7,775,713 in-person ballots received according on the State's website as referenced above. Since the website is continuously updated but the voter file I received is static and dated January 3<sup>rd</sup>, it is expected that the number counted on the website would be slightly higher than tabulated based on the static voter file. Note that some of these ballots (5,901 of them) have a code indicating that they were ultimately rejected. Nearly all the others (7,768,874) have a code indicating that they were accepted. The remaining 419 records have neither an accepted nor rejected code.<sup>5</sup>

16. 378,487 other records have a code associated with a mail ballot. Nearly all of these have one of the following "ballot status" codes:

**TABLE B: Ballot Status Codes of Mail Ballot Records in November 2022 Election**

<b>CODE</b>	<b>Definition</b>	<b>Count</b>
<b>AB</b>	Absentee ballot received	1,492
<b>AC</b>	Absentee ballot cancelled by voter	16,420
<b>AM</b>	Absentee ballot mailed	29,719
<b>AV</b>	Absentee ballot accepted	322,423
<b>AX</b>	Absentee ballot rejected	8,366
<b>RB</b>	Absentee ballot returned by PO	20
<b>(No Code)</b>		47

17. Of these records, the total ballots submitted are those with codes AB (Absentee ballot received), AV (absentee ballot accepted), and AX (absentee ballot rejected). These sum

<sup>5</sup> The method of voting is defined by a field in the database called "ballot type." The rejected/accepted status comes from a different field, called "ballot status". For in-person ballot types, 7,768,874 have a code of "A" (accepted); 5,901 have a code of "R" (rejected); and 419 have no code.

to 332,281.<sup>6</sup> The other codes reflect ballots that either never reached the voter (returned by Post Office) or were received by the voter but the voter never mailed back the ballot or else cancelled the request.

18. This number (332,281) is lower than the other counts mentioned above, both in public reports (345,697 ballots received) and in the State's count on its website (359,526 ballots received). One possible explanation for the discrepancy is if those sources include in their counts ballots that were cancelled by voters. Adding in these 16,420 records would bring the voter file count up to 348,701. However, based on the codes and definitions made available to me, I will count ballots submitted as only those that have the codes of AB, AV, or AX.

19. According to the January 2023 data, there are 18,187 records listed with a reason that a ballot was rejected. Of these, 13,638 were mail ballot rejections. About 40% of records that indicate a reason for a mail ballot being rejected have a status code that indicates the ballot was accepted. Presumably, these are cases in which a ballot was initially rejected but eventually cured and accepted. Of all the mail ballot rejections, 11,430 (83.8%) have a code indicating that identification verification was the reason for the rejection.<sup>7</sup> With 13,638 rejections and 332,281 mail ballots submitted, the rejection rate is estimated as 4.1%. This number is higher than the publicly reported rate of 2.7%.<sup>8</sup>

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<sup>6</sup> If one calculates this number without removing the duplicate voters listed in TEAM, as described above, the total count of submitted ballots would nevertheless be quite similar: 332,885.

<sup>7</sup> These codes are: IS, ISR, EVBIS, EVBISR, EVCIS, EVCISR, and ISF. The first two of these codes are identified in Defendant's disclosed document STATE057755. The remaining codes are identified by county disclosed documents, such as Dallas County document, MS016221.

<sup>8</sup> According to NPR, 9,348 of 345,697 mail ballots were rejected. These numbers are based on "NPR inquiries with state officials." Ashley Lopez, "Despite mail voting changes, ballot rejections remain relatively low in 2022 midterms," NPR, January 13, 2023

20. Among those with rejected ballots include 5 individuals who use Federal Post Card Applications, which are voter registration forms used by members of the military, their families, and American citizens who are residing overseas.
21. Of the 11,430 records indicating voters who were rejected on SB 1 grounds, less than half of them (44.4%) are associated with a registrant whose record also shows that they were able to vote either by mail or in person. Most (55.6%) failed to vote successfully following their ballot being rejected.
22. If one calculates the rate of rejected ballots as those that appear as uncured in the TEAM file, the rejection rate would be lower than 4.1%. For example, of all 13,638 records listed with a reason that a mail ballot was rejected, 8,306 show no indication that the registrant successfully voted, whether by curing the mail ballot or cancelling the mail ballot and voting in person. If we divide 8,306 by the sum of 8,306 and 322,423 (the number of successful mail votes), then the uncured/uncanceled rejection rate would be 2.5%, which is close to the rejection rate of 2.7% reported by the State. Such a calculation does not take into account those voters who, in order to resolve a rejection attributable to SB 1, needed to vote in person rather than by mail.
23. The analysis above suggests a mail ballot rejection rate of 4.1% and an uncured/uncanceled rejection rate of 2.5%. However, estimates of rejection rates must be observed with caution, as some cured ballots may have had their codes in TEAM overridden once they were cured. According to Kristi Hart, the State's Director of Election Administration and Voter Registration, TEAM records that are rejected but eventually cured would have the rejection flag overridden.<sup>9</sup> At the same time, in some

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<sup>9</sup> Deposition transcript of Kristi Hart, Director of Election Administration and Voter Registration, Office of Texas Secretary of State, Pages 133-135, *United States v. Texas*, June 30, 2022.

cases registrants have multiple records on TEAM, one indicating a rejection and one an accepted form. Thus, from the TEAM data alone, it is not possible to offer a definitive account of the number of ballots rejected and cured. The numbers reported here reflect what can be discerned with the available data.

24. In comparison to the March 2022 primary, which was the first election held under SB 1 rules, two facts are apparent. First, the rejection rate reported in the March 1, 2022 state primary was higher than in November; 12% of ballots were reportedly rejected in March.<sup>10</sup> Second, a smaller share of voters who cast ballots did so by mail in November 2022 (4.4% according to the State's reporting) compared to the share in March 2022 (5.6%).<sup>11</sup>

#### **IV. Relationship between Records Flagged and Mail Voting in 2022 Election**

25. The first part of the analysis in this report showed that 15% of Texas registered voters could have a problem voting by mail on account of SB 1. The second part of the analysis showed that some 4% of mail voters had ballots rejected on account of SB 1 identification rules. Here, I will briefly put these two analyses in context of one another.
26. As I noted in my First Supplemental Report, a useful analogy to the problems identified here is that of a hospital that has poor record-keeping practices. Suppose the hospital had incorrect records for 15% of the population. In any one year, few people go to the hospital, so it isn't the case that 15% of the total public will be mistreated by the hospital on account of poor record-keeping. But when those in that 15% "at-risk" population

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<sup>10</sup> Robert Garrett, "Rejection of Texans' Mail Ballots Decline Markedly from the Big Surge in March Primary", *Dallas Morning News*, Dec 23, 2022.

<sup>11</sup> <https://earlyvoting.texas-election.com/Elections/getElectionDetails.do>.

suddenly need to visit the hospital, they may be inconvenienced or harmed on account of the record-keeping. The analogy is helpful because it clarifies that while there is a large pool of citizens at risk of having a problem, most will not be confronted with that problem in any one election year.

27. Consider the 2.7 million records of registrants whose data demonstrate a possible barrier to meeting SB 1 requirements. I merge these with the records of individuals who requested a mail ballot in November 2022. Of all the 2.7 million registrants with record issues, 28,437 requested a mail ballot. It is not surprising that only a small percent of these 2.7 million voters requested a mail ballot, as only about 2% of all registered voters in Texas voted by mail in the November election.<sup>12</sup> Among those 28,437 registrants who tried to cast a mail ballot, 6,380—or 22.44%—never cast a successful mail ballot. These registrants include those rejected due to SB 1 and those rejected for reasons other than SB 1, as well as those who never returned their ballot or returned their ballot late. In comparison, among those registrants who are not in the “at risk” pool of the 2.7 million voters, only 16.17% of them who began the mail voting process never cast a successful mail ballot (a statistically significant six percentage-point difference,  $p < .0001$ ). Again, this baseline of 16.17% includes those whose mail ballot applications or ballots are rejected for reasons unrelated to SB1 as well as individuals who do not end up returning a mail ballot at all or returning it late. The fact that the subpopulation of 2.7 million has a

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<sup>12</sup> According to Texas, in November 2022, there were approximately 346,000 mail voters and 17,672,000 registrants, so 2% of all registrants cast a mail ballot. This figure represents the percentage of all *registered voters* who cast mail ballots in November 2022, rather than the percentage of *voters who cast ballots* in the November 2022 election who did so by mail, as discussed in Paragraph 24. For mail ballot estimates, see above. For registration counts, see: <https://www.sos.texas.gov/elections/historical/70-92.shtml>.

much higher rate of non-voting by mail *conditional on requesting a ballot* is likely to be related to SB 1 requirements.

**V. Conclusion**

28. In this analysis, I have replicated my main analysis for the second time. The analysis shows (as it has shown twice before) that about 15% of registration records in Texas could have an issue with the SB 1 identification verification rule if the registrant was to apply to vote by mail. Second, I have shown that while only 2% of registrants voted by mail in the 2022 general election, more than 11,000 ballots were rejected on account of SB 1 identification issues. Most of the individuals who submitted those rejected ballots did not successfully vote, either by mail or in-person. Third, I have shown that “at-risk” registrants who tried to cast a ballot by mail in the 2022 general election were significantly less likely to successfully vote by mail than individuals who are not in the pool of the 2.7 million “at-risk” registrants.

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct to the best of my knowledge.

DATED this 3rd Day of February, 2023.

A handwritten signature in black ink, appearing to read 'Eitan Hersh', written in a cursive style.

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Eitan Hersh

**APPENDIX A: REPLICATION OF ANALYSIS USING DEC 2022/JAN 2023****VERSIONS OF DATA****A. Databases**

1. DPS. The updated DPS database I received is dated December 17, 2022. The database contains 37,377,423 records, an increase of almost a million records from the 36,417,304 records identified in the March 2022 data I analyzed in my prior supplemental report. As in the versions previously analyzed, the December 2022 version of the data has complete or nearly complete records in all fields of interest (e.g., name, date of birth, address, gender) except that 5% of records are not populated with Social Security numbers, which was also the case in the prior versions. Table 1 below updates Table 1 of my Initial Report with the new data.
2. The percent of DPS records with missing SSNs has declined from 5.02% in the Initial Report to 4.98% in the First Supplemental Report, to 4.85% here. The percent of records missing a *unique* SSN9 (i.e., the number of SSNs associated with more than one DPS ID Number) has increased from 21.6% to 27.5% here (the First Supplementary Report had this rate even higher, at 28.7%).

**TABLE 1: Rate of Missing Information in DPS**

Missing SSN	4.85%
Missing unique SSN9	27.49
Missing First Name	0.00
Missing Last Name	0.00
Missing Birthdate	0.00
Missing M/F Gender	0.00
Missing Street Number	0.03
Missing ZIP Code	0.00
<b>TOTAL IN DATABASE</b>	<b>37,377,423</b>

3. TEAM. The updated version of TEAM records is dated January 3, 2023. The TEAM data was transmitted to me as a single data file. (In prior transmissions, the data had been stored by county in separate files). Registered voters can be listed on many lines within the file. For instance, Texas counts 28,868 registered voters in Anderson County as of January 2023.<sup>13</sup> In the January 2023 TEAM export I received, there are 57,459 rows of registrants in Anderson County. Different rows show different interactions that registrants have had with the election system. I processed the data so that each person, represented by their Voter Unique Identification Number (VUID), is listed one time. Specifically, I observed the dates labeled “ballot\_last\_updated” and retained the most recent date for each registrant. I also retained registrants who had no date listed in this field.
4. After the de-duplication process, the January 2023 TEAM file consists of **17,451,752** records. I sought to confirm that this number is close to the State’s official reporting. According to the Secretary of State’s website, as of January 2023, there were **17,450,474** registered Texas voters. Given the typical fluctuation in registration numbers, a difference of less than 0.01% suggests the data I have been given by the State is consistent with the State’s publicly reported information.

#### **B. Data Quality Checks in the TEAM Voter Records**

5. I performed the same set of data quality checks as described in my prior reports. Tables 2 and 3 offer summary statistics on key fields of interest. In the updated data, 2.27% of records are missing SSN (compared 2.52% in March 2022 and 2.34% in January 2022).

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<sup>13</sup> <https://www.sos.state.tx.us/elections/historical/jan2023.shtml>



In the January 2023 data, 2.62% are missing a DPS ID Number (compared to 2.85% in April 2022 and 3.16% in January 2022).

6. The numbers are all similar to those in my previous reports, with one exception. In the January 2023 data as well as the January 2022 data, less than 1% of records are missing street number and ZIP code. In the March 2022 data, over 20% of the records were missing this information.

**TABLE 2: Rates of Missing Information in TEAM**

Missing SSN	2.27%
Missing Unique SSN9	5.86
Missing First Name	0.00
Missing Last Name	0.00
Missing Birthdate	0.01
Missing M/F Gender	3.65
Missing Street Number	0.07
Missing ZIP Code	0.03
<b>TOTAL IN DATABASE</b>	<b>17,451,752</b>

**TABLE 3: Summary of Field Completeness in TEAM**

<b>TOTAL Records in TEAM analysis</b>	<b>17,451,752</b>	
<b>Records with unique SSN9</b>	16,428,895	94.14%
<b>Records with SSN4</b>	17,056,442	97.73
<b>Records with DPS ID Number</b>	16,994,311	97.38
<b>Records lacking SSN4 and DPS ID No.</b>	93,208	0.53

### C. Methodology

7. The methodology employed is the same as in my Initial Report. See Paragraphs 50-73 in that report for a detailed explanation. My goal is to look up each registered voter in the

DPS database and determine if the registered voter has one (or more) DPS ID Numbers listed, and to see if there are typos or other inconsistencies between the DPS ID Numbers and SSN4s listed on TEAM versus those listed on the DPS Database. I create three linkage fields to connect the TEAM and DPS databases together. The first field is the nine-digit Social Security number (SSN9). The second field is the combination of name (First and Last) and date of birth. I call this linkage field “ND” for Name + Date of Birth. The third field, a combination of Address (Street Number and ZIP code) + Date of Birth + Gender, I call “ADG”. Table 4 (a replica of Table 6 from my Initial Report) illustrates the three linking fields with an example of a fictional registered voter named John Smith.

**TABLE 4: Summary of Fields Used in Linking TEAM Database to DPS Database**

<b>Field Name</b>	<b>Explanation</b>	<b>“John Smith” example</b>
<b>SSN9</b>	9-digit Social Security number	“123-45-6789”
<b>ND</b>	First name + Last name + Date of birth	“JOHNSMITH1976-07-04”
<b>ADG</b>	Address + Date of birth + Gender	“655782051976-07-04M”

8. As in the prior reports, in addition to calculating statistics for the whole population of registered voters, I also look at several subpopulations, including registrants over 65, registrants who voted in 2020, registrants who have homebound/disabled veteran statuses, and registrants who are listed with specific codes in TEAM signaling that they have applied using Federal Post Card Application (FPCA) registration forms, which are voter registration forms used by members of the military, their families, and Americans who are residing overseas. I refer to these as FPCA voters. In the April report, I did a separate analysis of “voluntary surrender” designations in DPS records, but I concluded, based on disclosures from Texas, that these designations did not contain sufficient information to determine if the citizen holding a surrendered card would or would not be

able to use the ID card for the purposes of mail voting. Accordingly, I do not repeat the analysis of surrendered licenses here.

**D. Linkage Part I: TEAM Records with missing DPS ID Numbers**

9. I divide the analysis into two parts. First, I examine individuals whose TEAM records do not show any DPS ID Number. Second, I examine individuals whose TEAM records do show a DPS ID Number.
10. Out of 17,451,752 records in TEAM, 457,441 do not have a DPS ID Number listed in the voter registration records. If any of these individuals actually has a DPS ID Number, they are instructed by the mail ballot forms to include that DPS ID Number (and *only* that identification number). But SB 1 requires these forms—the application and the ballot carrier envelope—to be rejected because the DPS ID Number is not listed within registration records.

**TABLE 5: TEAM records by Presence/Absence of Unique SSN9 and DPS ID Number**

		Unique SSN9		
		Present	Absent	TOTAL
DPS ID Number	Present	16,340,755	653,556	16,994,311
	Absent	88,140	369,301	457,441

11. I link the 457,441 individuals who do not have DPS ID Numbers recorded in TEAM to the DPS database using the SSN, ND, and ADG linkage fields.
12. I first link by SSN9. Of the 457,441 individuals without a DPS ID Number in TEAM, 88,140 have a unique SSN9 listed (as noted in Table 5). Of those, 71.42% match to the DPS database by their SSN9. A total of 64.81% of the records match to a single DPS ID Number, and 6.61% link to multiple DPS ID Numbers.

13. I next link these individuals based on ND. As noted in Table 5, most individuals who lack DPS ID Numbers on TEAM also lack an SSN9. However, nearly all of the records have a unique ND combination. Of the 457,441 lacking a DPS ID Number on TEAM, 449,224 (98.2%) have a unique ND. Of those who have a unique ND, 23.72% match to a single DPS record and 4.22% match to multiple DPS records.

14. I next link these individuals based on ADG. Of 457,441 records lacking a DPS ID Number on TEAM, 401,073 (87.68%) have a unique ADG. Of those with a unique ADG, 26.81% match to a single DPS record and 3.48% match to multiple DPS records.

**TABLE 6: Results of Linking TEAM to DPS Records for TEAM Records without a DPS ID Number listed**

	<b>No Match to DPS</b>	<b>Single Match to DPS</b>	<b>Multiple Match to DPS</b>	<b>Attempted to Match</b>
<b>SSN9</b>	28.58%	64.81%	6.61%	88,140
<b>ND</b>	72.06	23.72	4.22	449,224
<b>ADG</b>	69.70	26.81	3.48	401,073
<b>Any</b>	58.36	36.25	5.39	454,073

15. Table 6 summarizes the analysis of records that do not have a DPS ID Number listed on the TEAM voter file. Each of the first three rows summarizes a linkage between TEAM and DPS based on SSN9, ND, and ADG, respectively. For instance, the first row shows that I attempted to match 88,140 records in TEAM based on SSN9. This reflects the number of TEAM records without a DPS ID Number that include a unique SSN9. Of those, 28.58% did not match to DPS. The others did match.

16. The bottom row of Table 6 provides the overall summary for the TEAM records lacking a DPS ID Number. Of the 457,441 total records lacking a DPS ID Number, I attempted to link 454,073 (99.26%) to the DPS database. (The other 0.74% did not have a unique or

complete value for SSN9, ND, or ADG). Of the individuals I attempted to find on DPS, 42% matched to a DPS record. That amounts to 189,095 registered voters. These individuals possess a DPS ID Number and therefore are instructed by Texas's mail ballot forms to list their DPS ID Number (and only their DPS ID Number) on their mail ballot forms. However, if they follow those instructions and list only that DPS ID Number, SB 1 requires their ballot applications, and their ballots, to be rejected because the number is not listed on TEAM.

17. Subpopulations: Of the 189,095 individuals who match to DPS and have a DPS ID Number even though no such number is listed on TEAM,

- 74,982 are over age 65
- 52,157 voted in the 2020 election
- 28,152 are over 65 AND voted in the 2020 election
- 1,475 have FPCA statuses
- 391 individuals matched to DPS records indicating homebound status or disabled veteran status.

These numbers show that many active voters who are eligible to vote by mail under Texas law are listed in TEAM without DPS ID Numbers but do in fact possess DPS ID Numbers.

18. Typos in Social Security Number. Among registrants who lack a DPS ID Number recorded on TEAM but who match to a record in DPS based on ND or ADG, I compare the SSN4 as recorded on the two databases. I find that 3,431 individuals who appear on both databases have discrepancies in their SSN4s. If the DPS records of SSN are correct, then these 3,431 cases result from inaccuracies on TEAM. They would cause election

officials to reject mail ballot forms from citizens who include their correct SSN4 on the forms. A voter may include an SSN4 on ballot materials as a precautionary measure based on supplemental instructions from election administrators.<sup>14</sup>

#### **E. Linkage Part II: TEAM Records Listed with DPS ID Numbers**

19. I now turn to the analysis of the 16,994,311 records in which a DPS ID Number is listed in the TEAM databases. As noted above in Table 5, 96.2% of these records have a unique SSN9 associated with them. I first link these records to DPS by matching on SSN9. Of 16,340,755 records with a unique SSN9 on TEAM, 99.71% match to a record in DPS. However, 16.34% of the records match to more than one DPS ID Number.

20. Next, I link records based on the ND combination, as described in Paragraph 11 above. The ND combination is unique for 16,869,025 individuals who have a DPS ID Number listed on TEAM. Of these, 97.66% match to a record in DPS. However, 15.89% match to more than one DPS ID Number.

21. Next, I link records based on the ADG combination. The ADG combination is unique for 16,316,427 individuals who have a DPS ID Number listed on TEAM. Of these, 85.19% match to a record in DPS. However, 11.01% match to more than one DPS ID Number.

**TABLE 7: Results of Linking TEAM to DPS Records for TEAM Records with a DPS ID Number listed**

	<b>No Match to DPS</b>	<b>Single Match to DPS</b>	<b>Multiple Match to DPS</b>	<b>Attempted to Match</b>
<b>SSN9</b>	0.29%	83.36%	16.34%	16,340,755
<b>ND</b>	2.34	81.76	15.89	16,869,025
<b>ADG</b>	14.81	74.19	11.01	16,316,427

<sup>14</sup> See discussion of the State's instructions in my Initial Report, Footnote 4, and in First Supplemental Report, Paragraphs 50-55.

<b>Any</b>	0.82	85.07	14.10	16,980,669
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22. Table 7 summarizes the analysis of records with a DPS ID Number on the voter file.

Consider the bottom row. Of the 16,994,311 records in TEAM listed with a DPS ID Number, I attempted to link 16,980,669 (99.92%) of them to the DPS database. The remaining 0.08% did not have a unique or complete record on SSN, ND, and ADG. Of these 16,980,669 records, 99.18% matched to a record in DPS. However, many of them are listed more than once on DPS, with multiple ID numbers. These 14.10% of records sum up to 2,394,435 records. That is, for 2.4 million Texas registered voters who have a DPS ID Number listed, they may put a correct DPS ID Number on their mail ballot application form but nevertheless have their application (or their ballot envelope) rejected because the DPS ID Number they write down, while correct, happens not to be the DPS ID Number recorded on the TEAM file.

23. The 2.4 million figure may be an underestimate. Many DPS ID holders are listed not just with one DPS ID Number but they have alternative ID numbers stored as “AKA DL/ID Numbers.” Of the TEAM records that linked to a *single* DPS ID Number, 1,407,010 of them linked to a record that listed alternative ID numbers in the “AKA DL/ID Number” field. During her April 20, 2022 deposition, Sheri Gibson, chief of the Texas DPS driver’s license division, explained that these AKA DL/ID numbers are identification numbers associated with the ID holder that are either erroneous or originate from a prior version of the State’s license system. If registrants use these alternative identification numbers when submitting a mail ballot application or mail ballot, they will also have their forms rejected because the AKA DL/ID Numbers are not the identification numbers on the voter registration records that are associated with these

registrants. Because some AKA ID Numbers are considered by DPS to be erroneous or otherwise invalid (i.e., not just “expired,” which does not impact validity for SB 1 purposes), in order to perform a conservative analysis, I focus here on registered voters who have multiple DPS ID Numbers exclusive of the AKA DL/ID Numbers.

24. Subpopulations: Of the 2,394,435 individuals who match to multiple DPS ID Numbers,

- 174,880 are over age 65
- 1,073,661 voted in the 2020 election
- 91,469 are over 65 AND voted in the 2020 election
- 1,325 have FPCA status
- 5,279 individuals matched to DPS records indicating homebound status or disabled veteran status.

These numbers show that many active voters who are eligible to vote by mail under Texas law are listed in TEAM with a DPS ID Number but possess multiple DPS ID Numbers. If they list a DPS ID Number other than the one that happens to be recorded in TEAM, SB 1 requires their mail ballot forms to be rejected.

25. Typos in Social Security Number. Looking just at the last 4 digits of Social Security numbers, I calculate the number of individuals in TEAM who match to records in DPS based on ND and ADG, but whose TEAM records show a different SSN4 than is shown on DPS. There are 40,922 individuals who appear on DPS with different SSN4s than shown on TEAM. If the DPS database is correct and these individuals mark down their correct SSN4 on a mail ballot application, then their application will be rejected because of incorrectly recorded data in TEAM.



a. Subpopulations: Of the 40,922 individuals whose SSN4s listed on TEAM do not match the SSN4s listed in the DPS database

- 14,945 are over age 65
- 25,795 voted in the 2020 election
- 10,294 are over 65 AND voted in the 2020 election
- 100 have FPCA status
- 110 individuals matched to DPS records indicating homebound status or disabled veteran status.

These numbers show that many active voters who are eligible to vote by mail under Texas law are listed in TEAM with an SSN4 that is inconsistent with the SSN4 listed in the DPS database.

26. Typos in DPS ID Numbers. Just as there are discrepancies between the SSNs listed in TEAM and the corresponding SSNs listed in DPS, there are also discrepancies in DPS ID Numbers. Using the methodology for calculating these discrepancies that was explained in my Initial Report, I calculate that 62,461 individuals have a DPS ID Number in TEAM that does not match any DPS ID Number in the DPS database.

a. Subpopulations: Of the 62,461 individuals on TEAM who match to DPS on SSN9, ND, and ADG, but have DPS ID Numbers that do not correspond to the DPS database,

- 14,602 are over age 65
- 27,441 voted in the 2020 election
- 9,006 are over 65 AND voted in the 2020 election
- 75 have FPCA status

- 359 individuals matched to DPS records indicating homebound status or disabled veteran status.

#### **F. Summary of Results from Updated Analysis**

27. To comply with the identification verification requirements in SB 1, registered voters who have a DPS ID are instructed to record their ID number on a mail ballot application and again when submitting a mail ballot. If they do not have an ID number, they must record their SSN4. The analysis from the updated TEAM and DPS files show the following:

- a. **189,095** registered voters are not listed in TEAM with a DPS ID, but they do have a DPS ID. Official forms instruct these individuals to list only their DPS ID, but if they do so, their ballot or ballot application will be rejected.
  - i. Of these, **74,982** are over 65 years old, **28,152** of whom voted in the most recent presidential election.
  - ii. Of these, **1,475** have FPCA status or are listed as disabled veterans or as homebound citizens.
- b. **2,394,435** individuals who are listed on TEAM with an associated DPS ID have more than one DPS ID Number. If they happen to write down a DPS ID number that is correct but is not the DPS ID number recorded in TEAM, their ballot or ballot application will be rejected.
  - i. Of these, **174,880** are over 65 years old, **91,469** of whom voted in the most recent presidential election.
  - ii. Of these, **5,279** have FPCA status or are listed as disabled veterans or as homebound citizens.

- c. **44,353** individuals have SSN4s listed in their TEAM records that do not match the SSN4s listed in the DPS database.
  - d. At least **62,461** individuals who are listed on TEAM registration records with a DPS ID Number do not show the same DPS ID Number listed in the DPS database.
28. Altogether, **2.7 million** registered voters in Texas (out of 17.5 million) are at an increased risk of having a mail ballot or mail ballot application rejected due to identification number requirements in SB 1. These numbers do not include individuals who have misplaced or surrendered their IDs or who mis-enter information on a mail ballot form. These 2.7 million individuals can correctly fill out their forms, but their applications and ballots would be rejected nonetheless.